

FILED

2018 JAN 26 AM 10:50

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY 117
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,

§

Plaintiff,

§

v.

§

DALIA VALENCIA, a.k.a. Dalia
Velasco, a.k.a. Dalia Krantz, a.k.a. Dalia
Krantz-Valencia (10),

§

Defendant.

§

CRIMINAL NO. EP-15-CR-0228-DB

**FINAL ORDER OF FORFEITURE AS TO REAL PROPERTY LOCATED
AT LOT 10, BLOCK 491, HORIZON CITY, UNIT 64**

WHEREAS, on March 13, 2017, this Court entered a “Preliminary Order of Forfeiture” (ECF No. 939), finding that the United States had established by a preponderance of the evidence that the below-listed property is forfeitable pursuant to 18 U.S.C. § 1963, as property constituting and derived from proceeds obtained as a result the conspiracy offense charged in Count One of the Fourth Superseding Indictment, EP-15-CR-0228-DB, to which Defendant DALIA VALENCIA (the “Defendant”) pled guilty:

Real property and appurtenances located at Lot 10, Block 491, HORIZON CITY (UNIT SIXTY-FOUR), an Addition in El Paso County, Texas, according to the Plat thereof recorded in Volume 20, Page 33, Plat Records of El Paso County, Texas, with all improvements and attachments thereon

(hereinafter referred to as the “Subject Property”); and

WHEREAS, in the Preliminary Order of Forfeiture, this Court ordered forfeiture of all of the Defendant’s right, title and interest in the Subject Property to the United States; and

WHEREAS, in the Preliminary Order of Forfeiture, this Court found that the Defendant has an interest in the Subject Property; and

WHEREAS, for at least 30 consecutive days, beginning March 18, 2017, the United States caused publication on an official internet government forfeiture site (www.forfeiture.gov) of notice of the Preliminary Order of Forfeiture and of the United States' intent to dispose of the Subject Property in such manner as the Attorney General may direct, and notice that any third parties claiming an interest in the forfeited property must file a petition with the Court within sixty (60) days from the commencement of said publication for a hearing to adjudicate the validity of their alleged legal interest in the property; and

WHEREAS, a Declaration of Publication was filed on April 18, 2017 (ECF No. 1008); and

WHEREAS, the United States served a copy of the "Preliminary Order of Forfeiture" (ECF No. 939) and the "Direct Notice of Preliminary Order of Forfeiture" (ECF No. 930-1), as set forth below:

- a. On or about May 22, 2017, the USMS posted notice of the forfeiture on the Subject Property.
- b. On or about May 18, 2017, the USMS served notice of the forfeiture on the El Paso Central Appraisal District, Dinah L. Kilgore, Executive Director/Chief Appraiser.
- c. On or about May 18, 2017, the USMS served notice of the forfeiture on the El Paso Tax Assessor, Maria Pasillas, Tax Assessor Collector.
- d. On or about May 18, 2017, the USMS served notice of the forfeiture on Carmen Perez, as Attorney for the El Paso Taxing Authorities, Sandra, Receptionist.

WHEREAS, the Direct Notice of Preliminary Order of Forfeiture advised that any person, other than the defendant, asserting a legal interest in the Subject Property must file a petition within 35 days of the final publication of notice or receipt of notice, whichever is earlier, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n); and

WHEREAS, only one petition has been filed in this case as to the Subject Property, and said petition has been resolved, as set forth below:

a. On or about April 12, 2017, El Paso County, Texas, Horizon City, Clint I.S.D., El Paso Community College, El Paso County Emergency Services District #1, University Medical Center Socorro I.S.D., City of El Paso, and Horizon Regional M.U.D. (hereinafter referred to as the “Taxing Authorities”), filed a petition asserting an interest in the Subject Property for *ad valorem* property taxes owed on the property. (ECF No. 1004). The United States acknowledges the *ad valorem* taxes if any, owing to El Paso County..

WHEREAS, the United States is not aware of any other person who reasonably appears to be a potential claimant with standing to contest the forfeiture, and any and all other potential claimants were served through publication; and

WHEREAS, no other petitions to contest the forfeiture of the Subject Property have been filed and the time period in which to do so has expired, *see* Fed. R. Crim. P. 32.2(b)(6)(C) and Supp. R. G(5)(a)(ii)(B) (petition must be filed with the court no later than sixty days after the first day of publication on an official internet government forfeiture site); 21 U.S.C. § 853(n)(2) (any person, other than the defendant, may, within thirty days of the final publication of notice or his receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property); and

WHEREAS, pursuant to 21 U.S.C. § 853(n)(7), the United States shall have clear title to forfeited property if no petitions for a hearing to contest the forfeiture have been filed within 30 days of final publication of notice or receipt of direct written notice, whichever is earlier, as set forth in 21 U.S.C. § 853(n)(2);

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Any and all right, title, and interest of Defendant DALIA VALENCIA in the Subject Property shall be, and the same hereby is, forfeited to the United States of America.

2. Any and all right, title, and interest in the Subject Property of any and all other potential petitioners who were served through publication, shall be, and the same hereby is, forfeited to the United States of America.

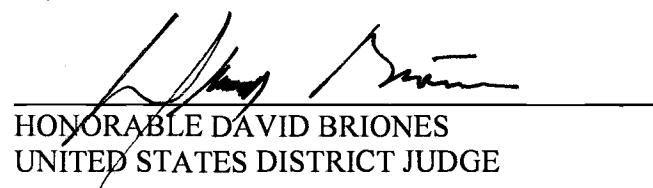
3. All right, title and interest of any and all potential petitioners in the Subject Property is forfeited to and vested in the United States of America and the United States of America shall be and hereby, deemed to have clear title to the Subject Property, save and except for the interest of the Taxing Authorities, as recognized by the United States as to the *ad valorem*, if any, owed to El Paso County, Texas.

4. The United States of America, through its lawfully designated agents and agencies, including but not limited to the United States Marshals Service and the Drug Enforcement Administration, shall dispose of the Subject Property in accordance with law.

5. All terms and provisions contained in this Court's Preliminary Order of Forfeiture entered on March 13, 2017 (ECF No. 939), in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

IT IS SO ORDERED.

SIGNED this 26th day of January 2018.



HONORABLE DAVID BRIONES
UNITED STATES DISTRICT JUDGE